

2011 DRAFTING REQUEST

Bill

Received: 10/07/2010

Received By: **fknepp**

Wanted: As time permits

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

DOA:.....Dombrowski, BB0083 -

Topic:

Deregulate one- and two-bed adult family homes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	fknepp 10/14/2010	csicilia 10/19/2010	jfrantze 10/19/2010	_____	lparisi 10/19/2010		State
/2	fknepp 11/17/2010	csicilia 11/22/2010	phenry 11/23/2010	_____	lparisi 11/23/2010		State
/3	fknepp 02/10/2011	csicilia 02/12/2011	phenry 02/12/2011	_____	mbarman 02/14/2011		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/4	fknepp 02/18/2011	nnatzke 02/18/2011	rschluet 02/18/2011	_____	sbasford 02/18/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **10/07/2010**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

DOA:.....Dombrowski, BB0083 -


Topic:

Deregulate one- and two-bed adult family homes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	fknepp 10/14/2010	csicilia 10/19/2010	jfrantze 10/19/2010		lparisi 10/19/2010		State
/2	fknepp 11/17/2010	csicilia 11/22/2010	phenry 11/23/2010		lparisi 11/23/2010		State
/3	fknepp 02/10/2011	csicilia 02/12/2011	phenry 02/12/2011		mbarman 02/14/2011		State
	fknepp	/LH 2/18					

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0241/3
FFK:cjs:ph

In 2-18-11

note

DOA:.....Dombrowski, BB0083 - Deregulate one- and two-bed adult family homes

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

don't get.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS regulates various types of long-term care providers, including one- and two-bed adult family homes.

This bill eliminates the requirement that DHS regulate one- and two-bed adult family homes. This bill also eliminates the requirement that DHS certify one- and two-bed adult family homes in order for one- and two-bed adult family homes to provide services to a person who is a recipient of the Family Care Program, a community-based long-term care MA waiver program, or supplemental security income.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.009 (1) (em) 6. of the statutes is amended to read:

1 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

2 **SECTION 2.** 20.435 (6) (jm) of the statutes is amended to read:

3 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
4 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a), (am), (b), and (bm),
5 and (5) (a), 49.45 (47), 50.02 (2), 50.025, ~~50.031~~, 50.065 (2) (am) and (b) 1., (3) (a) and
6 (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981,
7 and 146.40 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities
8 plan and rule development activities, for accrediting nursing homes, convalescent
9 homes, and homes for the aged, to conduct capital construction and remodeling plan
10 reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing
11 or certifying, and approving facilities, issuing permits, and providing technical
12 assistance, that are not specified under any other paragraph in this subsection. All
13 moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025,
14 ~~50.031 (6)~~, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93
15 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing
16 or certifying, and approving facilities, issuing permits, and providing technical
17 assistance, that are not specified under any other paragraph in this subsection, and
18 all moneys received under s. 50.135 (2) shall be credited to this appropriation
19 account.

20 **SECTION 3.** 46.281 (3) of the statutes is amended to read:

21 46.281 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county,
22 hospital, nursing home, community-based residential facility, adult family home, as
23 ~~defined in s. 50.01 (1) (a) or (b)~~, and residential care apartment complex the date on
24 which a resource center that serves the area of the county, hospital, nursing home,
25 community-based residential facility, adult family home, or residential care

1 apartment complex is first available to perform functional screenings and financial
2 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
3 the secretary may certify that the resource center is available for specified groups of
4 eligible individuals or for specified facilities in the county.

5 **SECTION 4.** 46.283 (4) (e) of the statutes is amended to read:

6 46.283 (4) (e) Provide information about the services of the resource center,
7 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
8 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
9 self-directed services option to all older persons and adults with a physical or
10 developmental disability who are residents of nursing homes, community-based
11 residential facilities, adult family homes, ~~as defined in s. 50.01 (1) (a) or (b),~~ and
12 residential care apartment complexes in the area of the resource center when the
13 benefit under s. 46.286 first becomes available in the county where the nursing home,
14 community-based residential facility, adult family home, or residential care
15 apartment complex is located.

16 **SECTION 5.** 46.283 (4) (g) of the statutes is amended to read:

17 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
18 screening for any person seeking admission to a nursing home, community-based
19 residential facility, residential care apartment complex, or adult family home, as
20 ~~defined in s. 50.01 (1) (a) or (b),~~ if the secretary has certified that the resource center
21 is available to the person and the facility and the person is determined by the
22 resource center to have a condition that is expected to last at least 90 days that would
23 require care, assistance, or supervision. A resource center may not require a
24 financial and cost-sharing screening for a person seeking admission or about to be
25 admitted on a private pay basis who waives the requirement for a financial and

1 cost-sharing screening under this paragraph, unless the person is expected to
2 become eligible for medical assistance within 6 months. A resource center need not
3 perform a functional screening for a person seeking admission or about to be
4 admitted for whom a functional screening was performed within the previous 6
5 months.

6 **SECTION 6.** 50.01 (1) (c) of the statutes is repealed.

7 **SECTION 7.** 50.02 (1) of the statutes is amended to read:

8 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
9 statewide licensing, inspection, and regulation of community-based residential
10 facilities and nursing homes as provided in this subchapter. The department shall
11 certify, inspect, and otherwise regulate adult family homes, as specified under ss.
12 ~~50.031 and s.~~ 50.032 and shall license adult family homes, as specified under s.
13 50.033. Nothing in this subchapter may be construed to limit the authority of the
14 department of commerce or of municipalities to set standards of building safety and
15 hygiene, but any local orders of municipalities shall be consistent with uniform,
16 statewide regulation of community-based residential facilities. The department
17 may not prohibit any nursing home from distributing over-the-counter drugs from
18 bulk supply. The department may consult with nursing homes as needed and may
19 provide specialized consultations when requested by any nursing home, separate
20 from its inspection process, to scrutinize any particular questions the nursing home
21 raises. The department shall, by rule, define "specialized consultation".

22 **SECTION 8.** 50.031 of the statutes is repealed.

23 **SECTION 9.** 59.69 (15) (intro.) of the statutes is amended to read:

24 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
25 of this section, the location of a community living arrangement for adults, as defined

1 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
2 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
3 s. 50.01 (1) ~~(a) or (b)~~, in any municipality, shall be subject to the following criteria:

4 **SECTION 10.** 60.63 (intro.) of the statutes is amended to read:

5 **60.63 Community and other living arrangements.** (intro.) For purposes
6 of s. 60.61, the location of a community living arrangement for adults, as defined in
7 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
8 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
9 s. 50.01 (1) ~~(a) or (b)~~, in any town shall be subject to the following criteria:

10 **SECTION 11.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

11 **62.23 (7) (i) Community and other living arrangements.** (intro.) For purposes
12 of this section, the location of a community living arrangement for adults, as defined
13 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
14 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
15 s. 50.01 (1) ~~(a) or (b)~~, in any city shall be subject to the following criteria:

16 **SECTION 12.** 563.03 (1) of the statutes is amended to read:

17 **563.03 (1)** "Adult family home" has the meaning given in s. 50.01 (1) ~~(a) or (b)~~.

18 (END)



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-~~1~~²-0241/4dn

FFK:f....

nwn

Date

To Cindy:

This draft reconciles LRB-0241/3[✓] and LRB-1465/P3[✓]. All of these drafts should continue to appear in the compiled bill.[✓]

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

2011 DRAFTING REQUEST

Bill

Received: **10/07/2010**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

DOA:.....Dombrowski, BB0083 -

Topic:

Deregulate one- and two-bed adult family homes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	fknepp 10/14/2010	csicilia 10/19/2010	jfrantze 10/19/2010		lparisi 10/19/2010		State
/2	fknepp 11/17/2010	csicilia 11/22/2010	phenry 11/23/2010		lparisi 11/23/2010		State
/3	fknepp 02/10/2011	csicilia 02/12/2011	phenry 02/12/2011		mbarman 02/14/2011		

1/4 nwn
2/1/11

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 10/07/2010

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

DOA:.....Dombrowski, BB0083 -

Topic:

Deregulate one- and two-bed adult family homes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	fknepp 10/14/2010	csicilia 10/19/2010	jfrantze 10/19/2010		lparisi 10/19/2010		State
/2	fknepp 11/17/2010	csicilia 11/22/2010	phenry 11/23/2010		lparisi 11/23/2010		

FE Sent For:

1/3 g's 2/12 1/18 ph <END>

2011 DRAFTING REQUEST

Bill

Received: 10/07/2010

Received By: fknepp

Wanted: As time permits

Companion to LRB:

For: Administration-Budget 266-2214

By/Representing: Dombrowski

May Contact:

Drafter: fknepp

Subject: Health - long-term care

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: tamaradodge@legis.wisconsin.gov

JLD
NWN
WLJ
KJF
CMH

Pre Topic:

DOA:.....Dombrowski, BB0083 -

Topic:

Deregulate one- and two-bed adult family homes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	fknepp 10/14/2010	csicilia 10/19/2010	jfrantze 10/19/2010		lparisi 10/19/2010		

FE Sent For:

1/2 js 11/22
10

RM
9/11/23
<END>

2011 DRAFTING REQUEST

Bill

Received: **10/07/2010**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tamaradodge@legis.wisconsin.gov**

Pre Topic:

DOA:.....Dombrowski, BB0083 -

Topic:

Deregulate one- and two-bed adult family homes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	fknepp	1 gjs 10/18 10	Jo 10/18	pl md 11/18			

FE Sent For:

<END>

2011-13 Budget Bill Statutory Language Drafting Request

- Topic: Adult Family Home Certification
-
- Tracking Code: BB0083
- SBO team: HSI
- SBO analyst: Cindy Dombrowski *CD*
 - Phone: 266-2214
 - Email: cynthia.dombrowski@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): Low

Intent:

2009 Act 28 newly licensed 1 and 2 bed adult family homes through the Department of Health Services.

The intent is to repeal that certification.

Robin drafted
Final Bud⁰⁹ draft

LLB 0659

Zbudget



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0241/1

FFK
js

d-note

DOA:.....Dombrowski, BB0083 - Deregulate one- and two-bed adult family homes

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

In 10-14-10

SAV
X-ref ✓

Do NOT Gen

of services under

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES ✓**

HEALTH ✓

Under current law, DHS regulates various types of long-term care providers, including one- and two-bed adult family homes.

This bill eliminates the requirement that DHS regulate one- and two-bed adult family homes. This bill also eliminates the requirement that DHS certify one- and two-bed adult family homes in order for one- and two-bed adult family homes to provide services to recipients of Family Care ~~Services~~, a community-based long-term care MA waiver program ~~of~~ Supplemental Security Income.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

a person who is a

Program

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.009 (1) (em) 6. of the statutes is amended to read:

3 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) (a) or (b).

✓
1 **SECTION 2.** 20.435 (6) (jm) of the statutes is amended to read:

2 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
3 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a), (am), (b), and (bm),
4 and (5) (a), 49.45 (47), 50.02 (2), 50.025, 50.031, 50.065 (2) (am) and (b) 1., (3) (a) and ✓
5 (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981,
6 and 146.40 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities
7 plan and rule development activities, for accrediting nursing homes, convalescent
8 homes, and homes for the aged, to conduct capital construction and remodeling plan
9 reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing
10 or certifying, and approving facilities, issuing permits, and providing technical
11 assistance, that are not specified under any other paragraph in this subsection. All
12 moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025,
13 50.031 (6), 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 ✓
14 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing
15 or certifying, and approving facilities, issuing permits, and providing technical
16 assistance, that are not specified under any other paragraph in this subsection, and
17 all moneys received under s. 50.135 (2) shall be credited to this appropriation
18 account.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

19 **SECTION 3.** 46.281 (3) of the statutes is amended to read:

20 46.281 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county,
21 hospital, nursing home, community-based residential facility, adult family home, as
22 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on

1 which a resource center that serves the area of the county, hospital, nursing home,
2 community-based residential facility, adult family home, or residential care
3 apartment complex is first available to perform functional screenings and financial
4 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
5 the secretary may certify that the resource center is available for specified groups of
6 eligible individuals or for specified facilities in the county.

History: 1999 a. 9; 2001 a. 103; 2005 a. 25, 386; 2007 a. 20; 2009 a. 28, 247.

7 **SECTION 4.** 46.283 (4) (e) of the statutes is amended to read:

8 46.283 (4) (e) Provide information about the services of the resource center,
9 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
10 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
11 self-directed services option to all older persons and adults with a physical or
12 developmental disability who are residents of nursing homes, community-based
13 residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and
14 residential care apartment complexes in the area of the resource center when the
15 benefit under s. 46.286 first becomes available in the county where the nursing home,
16 community-based residential facility, adult family home, or residential care
17 apartment complex is located.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388; 2007 a. 20 ss. 969, 971 to 973, 976, 978 to 991; 2009 a. 2, 28, 180, 247, 249.

18 **SECTION 5.** 46.283 (4) (g) of the statutes is amended to read:

19 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
20 screening for any person seeking admission to a nursing home, community-based
21 residential facility, residential care apartment complex, or adult family home, as
22 defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center
23 is available to the person and the facility and the person is determined by the
24 resource center to have a condition that is expected to last at least 90 days that would

1 require care, assistance, or supervision. A resource center may not require a
2 financial and cost-sharing screening for a person seeking admission or about to be
3 admitted on a private pay basis who waives the requirement for a financial and
4 cost-sharing screening under this paragraph, unless the person is expected to
5 become eligible for medical assistance within 6 months. A resource center need not
6 perform a functional screening for a person seeking admission or about to be
7 admitted for whom a functional screening was performed within the previous 6
8 months.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388; 2007 a. 20 ss. 969, 971 to 973, 976, 978 to 991; 2009 a. 2, 28, 180, 247, 249.

9 **SECTION 6.** 50.01 (1) (c) of the statutes is repealed. ✓

10 **SECTION 7.** 50.02 (1) of the statutes is amended to read:

11 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
12 statewide licensing, inspection, and regulation of community-based residential
13 facilities and nursing homes as provided in this subchapter. The department shall
14 certify, inspect, and otherwise regulate adult family homes, as specified under ss.
15 ~~50.031 and s. 50.032~~ ^{PLAIN SPACE} and shall license adult family homes, as specified under s. ✓
16 50.033. Nothing in this subchapter may be construed to limit the authority of the
17 department of commerce or of municipalities to set standards of building safety and
18 hygiene, but any local orders of municipalities shall be consistent with uniform,
19 statewide regulation of community-based residential facilities. The department
20 may not prohibit any nursing home from distributing over-the-counter drugs from
21 bulk supply. The department may consult with nursing homes as needed and may
22 provide specialized consultations when requested by any nursing home, separate

from its inspection process, to scrutinize any particular questions the nursing home raises. The department shall, by rule, define "specialized consultation".

History: 1971 c. 125, 161; 1973 c. 122, 323, 327, 335; 1975 c. 119, 260; 1975 c. 413 ss. 5 to 8; 1977 c. 29, 170, 418; 1981 c. 20, 121, 391; 1983 a. 542; 1985 a. 29; 1987 a. 161; 1989 a. 336; 1991 a. 250; 1993 a. 16, 327; 1995 a. 27 ss. 3222 to 3225, 9116 (5); 1995 a. 98; 1997 a. 237; 1999 a. 9, 103; 2005 a. 264, 387; 2007 a. 20; 2009 a. 28.

SECTION 8. 50.031 of the statutes is repealed.

SECTION 9. 59.69 (15) (intro.) of the statutes is amended to read:

59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

NOTE: NOTE: Sub. (15) (intro.) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.02 (9) to read: NOTE:

(15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105; 2003 a. 214; 2005 a. 26, 79, 81, 112, 171, 208; 2007 a. 11; 2007 a. 20 ss. 1852 to 1857, 9121 (6) (a); 2009 a. 28, 209, 351, 372, 405.

SECTION 10. 59.69 (15) (intro.) of the statutes, as affected by 2009 Wisconsin Act 28, Section 1451, is amended to read:

59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105; 2003 a. 214; 2005 a. 26, 79, 81, 112, 171, 208; 2007 a. 11; 2007 a. 20 ss. 1852 to 1857, 9121 (6) (a); 2009 a. 28, 209, 351, 372, 405.

SECTION 11. 60.63 (intro.) of the statutes is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in

create auto-ref
"A" to use on p. 7

it should all be
New Century Schbk
fix
Bnx

No
B

s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

NOTE: NOTE: Section 60.63 (intro.) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read: NOTE:

60.63 Community and other living arrangements. For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

History: 1983 a. 532; 1985 a. 281; 1987 a. 161; 1989 a. 56, 201; 1993 a. 27, 327, 446, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225, 417; 2007 a. 20 ss. 1861 to 1866, 9121 (6) (a); 2009 a. 28, 209.

SECTION 12. 60.63 (intro.) of the statutes, as affected by 2009 Wisconsin Act 28,

Section 1454, is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s.

60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

History: 1983 a. 532; 1985 a. 281; 1987 a. 161; 1989 a. 56, 201; 1993 a. 27, 327, 446, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225, 417; 2007 a. 20 ss. 1861 to 1866, 9121 (6) (a); 2009 a. 28, 209.

SECTION 13. 62.23 (7) (i) (intro.) of the statutes is amended to read:

62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

NOTE: NOTE: Par. (i) (intro.) is amended by 2009 Wis. Act 28, s. 1458, eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read: NOTE:

(i) *Community and other living arrangements.* For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 16, 17, 108; 2001 a. 50; 2005 a. 26, 34, 79, 81, 112, 171, 208; 2007 a. 20 ss. 1868 to 1873, 9121 (6) (a); 2007 a. 72; 2009 a. 28, 209, 276, 351, 372, 405.

create auto-reb "B"
to use on p. 7

fix font
New Century Schbk

No B

SECTION 14. 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin

Act 28, Section 1458, is amended to read:

62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 16, 17, 108; 2001 a. 50; 2005 a. 26, 34, 79, 81, 112, 171, 208; 2007 a. 20 ss. 1868 to 1873, 9121 (6) (a); 2007 a. 72; 2009 a. 28, 209, 276, 351, 372, 405.

SECTION 15. 563.03 (1) of the statutes is amended to read:

563.03 (1) "Adult family home" has the meaning given in s. 50.01 (1) (a) or (b).

History: 1973 c. 156; 1975 c. 99; 1977 c. 426; 1979 c. 32, 34; 1983 a. 222; 1989 a. 147; 1991 a. 269 ss. 779s to 779w; Stats. 1991 s. 563.03; 1997 a. 27; 2005 a. 247; 2009 a. 28.

SECTION 9421. Effective dates; Health Services.

(1) ONE- AND TWO-BED ADULT FAMILY HOMES. The treatment of sections 59.69 (15) (intro.) (by SECTION 10), 60.63 (intro.) (by SECTION 12), and 62.23 (7) (i) (intro.) (by SECTION 14) of the statutes takes effect on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes.

(END)

use auto-ref "A"
from p. 5

create
auto ref "C"
to use on this
page

use
auto-ref "B"
from p. 6

use auto ref "C"
from this page

! - note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/1dn

FFK.....

g
g's

— date —

✓

As drafted, this bill eliminates section 50.01 (1) (c) of the statutes. Section 50.01 (1) (c) was created by 2009 Wisconsin Act 28 as part of the requirement that DHS certify one- and two-bed adult family homes. The creation of section 50.01 (1) (c) added one- and two-bed adult family homes to the definition of "adult family home." Therefore, by removing one- and two-bed adult family homes from 50.01 (1), this bill substantively changes cross references to 50.01 (1). Specifically, the repeal of section 50.01 (1) (c) means that individuals residing in one- and two-bed adult family homes will no longer be eligible for funding under sections 46.27 (7) (c) 5, (11) (c) 5m.d or 46.277 (5) (d) 1m.d of the statutes. Is this consistent with the department's intent?

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

S.

stats

S.

S.

S.

S. Δ

stats

ss.

or

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/1dn
FFK:cjs:jf

October 19, 2010

As drafted, this bill eliminates s. 50.01 (1) (c), stats. Section 50.01 (1) (c) was created by 2009 Wisconsin Act 28 as part of the requirement that DHS certify one- and two-bed adult family homes. The creation of s. 50.01 (1) (c) added one- and two-bed adult family homes to the definition of "adult family home." Therefore, by removing one- and two-bed adult family homes from s. 50.01 (1), this bill substantively changes cross references to s. 50.01 (1). Specifically, the repeal of s. 50.01 (1) (c) means that individuals residing in one- and two-bed adult family homes will no longer be eligible for funding under ss. 46.27 (7) (c) 5. or (11) (c) 5m. d. or 46.277 (5) (d) 1m. d., stats. Is this consistent with the department's intent?

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

RMR



LRB-0241102

FFK:cjs:jf

1
stays

(dnote)

DOA:.....Dombrowski, BB0083 - Deregulate one- and two-bed adult family homes

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS regulates various types of long-term care providers, including one- and two-bed adult family homes.

This bill eliminates the requirement that DHS regulate one- and two-bed adult family homes. This bill also eliminates the requirement that DHS certify one- and two-bed adult family homes in order for one- and two-bed adult family homes to provide services to a person who is a recipient of the Family Care Program, a community-based long-term care MA waiver program, or supplemental security income.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.009 (1) (em) 6. of the statutes is amended to read:

1 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

2 **SECTION 2.** 20.435 (6) (jm) of the statutes is amended to read:

3 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
4 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a), (am), (b), and (bm),
5 and (5) (a), 49.45 (47), 50.02 (2), 50.025, ~~50.031~~, 50.065 (2) (am) and (b) 1., (3) (a) and
6 (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981,
7 and 146.40 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities
8 plan and rule development activities, for accrediting nursing homes, convalescent
9 homes, and homes for the aged, to conduct capital construction and remodeling plan
10 reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing
11 or certifying, and approving facilities, issuing permits, and providing technical
12 assistance, that are not specified under any other paragraph in this subsection. All
13 moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025,
14 ~~50.031 (6)~~, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93
15 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing
16 or certifying, and approving facilities, issuing permits, and providing technical
17 assistance, that are not specified under any other paragraph in this subsection, and
18 all moneys received under s. 50.135 (2) shall be credited to this appropriation
19 account.

20 **SECTION 3.** 46.281 (3) of the statutes is amended to read:

21 46.281 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county,
22 hospital, nursing home, community-based residential facility, adult family home, as
23 defined in s. 50.01 (1) ~~(a) or (b)~~, and residential care apartment complex the date on
24 which a resource center that serves the area of the county, hospital, nursing home,
25 community-based residential facility, adult family home, or residential care

1 apartment complex is first available to perform functional screenings and financial
2 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
3 the secretary may certify that the resource center is available for specified groups of
4 eligible individuals or for specified facilities in the county.

5 **SECTION 4.** 46.283 (4) (e) of the statutes is amended to read:

6 46.283 (4) (e) Provide information about the services of the resource center,
7 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
8 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
9 self-directed services option to all older persons and adults with a physical or
10 developmental disability who are residents of nursing homes, community-based
11 residential facilities, adult family homes, ~~as defined in s. 50.01 (1) (a) or (b),~~ and
12 residential care apartment complexes in the area of the resource center when the
13 benefit under s. 46.286 first becomes available in the county where the nursing home,
14 community-based residential facility, adult family home, or residential care
15 apartment complex is located.

16 **SECTION 5.** 46.283 (4) (g) of the statutes is amended to read:

17 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
18 screening for any person seeking admission to a nursing home, community-based
19 residential facility, residential care apartment complex, or adult family home, as
20 ~~defined in s. 50.01 (1) (a) or (b),~~ if the secretary has certified that the resource center
21 is available to the person and the facility and the person is determined by the
22 resource center to have a condition that is expected to last at least 90 days that would
23 require care, assistance, or supervision. A resource center may not require a
24 financial and cost-sharing screening for a person seeking admission or about to be
25 admitted on a private pay basis who waives the requirement for a financial and

1 cost-sharing screening under this paragraph, unless the person is expected to
2 become eligible for medical assistance within 6 months. A resource center need not
3 perform a functional screening for a person seeking admission or about to be
4 admitted for whom a functional screening was performed within the previous 6
5 months.

6 **SECTION 6.** 50.01 (1) (c) of the statutes is repealed.

7 **SECTION 7.** 50.02 (1) of the statutes is amended to read:

8 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
9 statewide licensing, inspection, and regulation of community-based residential
10 facilities and nursing homes as provided in this subchapter. The department shall
11 certify, inspect, and otherwise regulate adult family homes, as specified under ss.
12 ~~50.031~~ and s. 50.032 and shall license adult family homes, as specified under s.
13 50.033. Nothing in this subchapter may be construed to limit the authority of the
14 department of commerce or of municipalities to set standards of building safety and
15 hygiene, but any local orders of municipalities shall be consistent with uniform,
16 statewide regulation of community-based residential facilities. The department
17 may not prohibit any nursing home from distributing over-the-counter drugs from
18 bulk supply. The department may consult with nursing homes as needed and may
19 provide specialized consultations when requested by any nursing home, separate
20 from its inspection process, to scrutinize any particular questions the nursing home
21 raises. The department shall, by rule, define "specialized consultation".

22 **SECTION 8.** 50.031 of the statutes is repealed.

23 *create
xref (A)* **SECTION 9.** 59.69 (15) (intro.) of the statutes is amended to read:

24 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
25 of this section, the location of a community living arrangement for adults, as defined

1 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
2 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
3 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any
4 municipality, shall be subject to the following criteria:

5 **SECTION 10.** 59.69 (15) (intro.) of the statutes, as affected by 2009 Wisconsin
6 Act 28, section 1451, is amended to read:

7 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
8 of this section, the location of a community living arrangement for adults, as defined
9 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
10 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
11 s. 50.01 (1) ~~(a) or (b)~~, in any municipality, shall be subject to the following criteria:

12 **SECTION 11.** 60.63 (intro.) of the statutes is amended to read:

13 ^{create}
14 ^{Yrb} **60.63 Community and other living arrangements.** (intro.) For purposes
15 of s. 60.61, the location of a community living arrangement for adults, as defined in
16 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
17 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
18 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any town
shall be subject to the following criteria:

19 **SECTION 12.** 60.63 (intro.) of the statutes, as affected by 2009 Wisconsin Act 28,
20 section 1454, is amended to read:

21 **60.63 Community and other living arrangements.** (intro.) For purposes
22 of s. 60.61, the location of a community living arrangement for adults, as defined in
23 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
24 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
25 s. 50.01 (1) ~~(a) or (b)~~, in any town shall be subject to the following criteria:

1 *create*
ref → **SECTION 13.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

2 *C* 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
3 of this section, the location of a community living arrangement for adults, as defined
4 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
5 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
6 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any city
7 shall be subject to the following criteria:

8 **SECTION 14.** 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin
9 Act 28, section 1458, is amended to read:

10 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
11 of this section, the location of a community living arrangement for adults, as defined
12 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
13 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
14 s. 50.01 (1) ~~(a) or (b)~~, in any city shall be subject to the following criteria:

15 **SECTION 15.** 563.03 (1) of the statutes is amended to read:

16 563.03 (1) "Adult family home" has the meaning given in s. 50.01 (1) ~~(a) or (b)~~.

17 *Ins.* → **SECTION 9421. Effective dates; Health Services.**
A

18 (1) ONE- AND TWO-BED ADULT FAMILY HOMES. The treatment of sections 59.69 (15)
19 (intro.) (by SECTION 10), 60.63 (intro.) (by SECTION 12), and 62.23 (7) (i) (intro.) (by
20 SECTION 14) of the statutes takes effect on the date stated in the notice provided by
21 the secretary of children and families and published in the Wisconsin Administrative
22 Register under section 48.62 (9) of the statutes.

23 (END)

dnote

LPS:
change
to
autonumber
and
change
component

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/2ins
FFK:cjs:jf

to
text: *NS:sub

SECTION 9121. Nonstatutory provisions; Health Services.

(1) The legislative reference bureau shall incorporate the changes made to sections 59.69 (15) (intro.) (by Xref A), 60.63 (intro.) (by Xref B), and 62.23 (7) (intro.) (by Xref C) of this act and the changes made to sections 59.69 (15) (intro.), 60.63 (intro.), and 62.23 (7) (intro.) of the statutes by 2009 Wisconsin Act 28, SECTIONS 1451, 1454, and 1458, into the text of sections 59.69 (15) (intro.), 60.63 (intro.), and 62.23 (7) (intro.) of the statutes and shall document the incorporation in a note following sections 59.69 (15) (intro.), 60.63 (intro.), and 62.23 (7) (intro.) of the statutes. The chief of the legislative reference bureau shall include in a correction bill a provision formally validating the incorporation. Section 990.07 of the statutes is not affected by printing decision made by the chief of the legislative reference bureau under this paragraph.

subsection

of the statutes by SECTIONS

and *
use x-ref C

use x-ref A

use x-ref B

* * *

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/2dn

FFK:cjs:jf

T
shy>

- date -

To Cindy Dombrowski:

This draft does not contain substantive changes. Rather, the LRB has recently developed a standardized manner in which to handle statutes amended by 2009 Wisconsin Act 28 that have indeterminate delayed effective dates. This draft incorporates the new procedure.

Please let me know if you have any questions or concerns.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

certain

with a

that is
contingent
upon
publication
of
a certain
notice
by the
secretary
of
children
and
families

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0241/2dn
FFK:cjs:ph

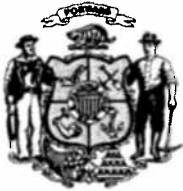
November 22, 2010

To Cindy Dombrowski:

This draft does not contain substantive changes. Rather, the LRB has recently developed a standardized manner in which to handle certain statutes amended by 2009 Wisconsin Act 28 with a delayed effective date that is contingent upon publication of a certain notice by the secretary of children and families. This draft incorporates the new procedure.

Please let me know if you any questions or concerns.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

RMR



LRB-0241/2 3

FFK:cjs:ph

stays

note in 2-10-11

DOA:.....Dombrowski, BB0083 - Deregulate one- and two-bed adult family homes

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

do NOT go

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS regulates various types of long-term care providers, including one- and two-bed adult family homes.

This bill eliminates the requirement that DHS regulate one- and two-bed adult family homes. This bill also eliminates the requirement that DHS certify one- and two-bed adult family homes in order for one- and two-bed adult family homes to provide services to a person who is a recipient of the Family Care Program, a community-based long-term care MA waiver program, or supplemental security income.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.009 (1) (em) 6. of the statutes is amended to read:

16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

SECTION 2. 20.435 (6) (jm) of the statutes is amended to read:

20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a), (am), (b), and (bm), and (5) (a), 49.45 (47), 50.02 (2), 50.025, ~~50.031~~, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes, and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection. All moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025, ~~50.031 (6)~~, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection, and all moneys received under s. 50.135 (2) shall be credited to this appropriation account.

SECTION 3. 46.281 (3) of the statutes is amended to read:

46.281 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county, hospital, nursing home, community-based residential facility, adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, and residential care apartment complex the date on which a resource center that serves the area of the county, hospital, nursing home, community-based residential facility, adult family home, or residential care

1 apartment complex is first available to perform functional screenings and financial
2 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
3 the secretary may certify that the resource center is available for specified groups of
4 eligible individuals or for specified facilities in the county.

5 **SECTION 4.** 46.283 (4) (e) of the statutes is amended to read:

6 46.283 (4) (e) Provide information about the services of the resource center,
7 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
8 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
9 self-directed services option to all older persons and adults with a physical or
10 developmental disability who are residents of nursing homes, community-based
11 residential facilities, adult family homes, ~~as defined in s. 50.01 (1) (a) or (b)~~, and
12 residential care apartment complexes in the area of the resource center when the
13 benefit under s. 46.286 first becomes available in the county where the nursing home,
14 community-based residential facility, adult family home, or residential care
15 apartment complex is located.

16 **SECTION 5.** 46.283 (4) (g) of the statutes is amended to read:

17 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
18 screening for any person seeking admission to a nursing home, community-based
19 residential facility, residential care apartment complex, or adult family home, ~~as~~
20 ~~defined in s. 50.01 (1) (a) or (b)~~, if the secretary has certified that the resource center
21 is available to the person and the facility and the person is determined by the
22 resource center to have a condition that is expected to last at least 90 days that would
23 require care, assistance, or supervision. A resource center may not require a
24 financial and cost-sharing screening for a person seeking admission or about to be
25 admitted on a private pay basis who waives the requirement for a financial and

1 cost-sharing screening under this paragraph, unless the person is expected to
2 become eligible for medical assistance within 6 months. A resource center need not
3 perform a functional screening for a person seeking admission or about to be
4 admitted for whom a functional screening was performed within the previous 6
5 months.

6 **SECTION 6.** 50.01 (1) (c) of the statutes is repealed.

7 **SECTION 7.** 50.02 (1) of the statutes is amended to read:

8 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
9 statewide licensing, inspection, and regulation of community-based residential
10 facilities and nursing homes as provided in this subchapter. The department shall
11 certify, inspect, and otherwise regulate adult family homes, as specified under ss.
12 ~~50.031~~ and s. 50.032 and shall license adult family homes, as specified under s.
13 50.033. Nothing in this subchapter may be construed to limit the authority of the
14 department of commerce or of municipalities to set standards of building safety and
15 hygiene, but any local orders of municipalities shall be consistent with uniform,
16 statewide regulation of community-based residential facilities. The department
17 may not prohibit any nursing home from distributing over-the-counter drugs from
18 bulk supply. The department may consult with nursing homes as needed and may
19 provide specialized consultations when requested by any nursing home, separate
20 from its inspection process, to scrutinize any particular questions the nursing home
21 raises. The department shall, by rule, define "specialized consultation".

22 **SECTION 8.** 50.031 of the statutes is repealed.

23 **SECTION 9.** 59.69 (15) (intro.) of the statutes is amended to read:

24 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
25 of this section, the location of a community living arrangement for adults, as defined

1 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
2 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
3 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any
4 municipality, shall be subject to the following criteria:

5 **SECTION 10.** 60.63 (intro.) of the statutes is amended to read:

6 **60.63 Community and other living arrangements.** (intro.) For purposes
7 of s. 60.61, the location of a community living arrangement for adults, as defined in
8 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
9 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
10 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any town
11 shall be subject to the following criteria:

12 **SECTION 11.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

13 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
14 of this section, the location of a community living arrangement for adults, as defined
15 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
16 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
17 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any city
18 shall be subject to the following criteria:

19 **SECTION 12.** 563.03 (1) of the statutes is amended to read:

20 563.03 (1) "Adult family home" has the meaning given in s. 50.01 (1) ~~(a) or (b)~~.

21 **SECTION 9121. Nonstatutory provisions; Health Services.**

22 (1) The legislative reference bureau shall incorporate the changes made to
23 sections 59.69 (15) (intro.), 60.63 (intro.), and 62.23 (7) (i) (intro.) of the statutes by
24 SECTIONS 9, 10, and 11 of this act and the changes made to sections 59.69 (15) (intro.),
25 60.63 (intro.), and 62.23 (7) (i) (intro.) of the statutes by 2009 Wisconsin Act 28,

1 SECTIONS 1451, 1454, and 1458, into the text of sections 59.69 (15) (intro.), 60.63
2 (intro.), and 62.23 (7) (i) (intro.) of the statutes, respectively, and shall document the
3 incorporation in notes following sections 59.69 (15) (intro.), 60.63 (intro.), and 62.23
4 (7) (i) (intro.) of the statutes. The chief of the legislative reference bureau shall
5 include in a correction bill provisions formally validating the incorporation. Section
6 990.07 of the statutes is not affected by printing decisions made by the chief of the
7 legislative reference bureau under this subsection.

8 (END)

a note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/3dn

FFK:....

g
ys

date

To Cindy:

5

In January, the Department of Children and Families (DCF) issued a notice that triggered the effective date of certain sections in 2009 Wisconsin Act 28 that eliminate the term "treatment foster home." This draft treats sections 59.69 (15) (intro.), 60.63 (intro.) and 62.23 (7) (i) (intro.) as affected by the DCF notice and eliminates nonstatutory language that was added in the previous draft which, in light of DCF's notice, is no longer required. This draft does not contain substantive changes.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0241/3dn
FFK:cjs:ph

February 12, 2011

To Cindy:

In January, the Department of Children and Families (DCF) issued a notice that triggered the effective date of certain sections in 2009 Wisconsin Act 28 that eliminate the term "treatment foster home." This draft treats sections 59.69 (15) (intro.), 60.63 (intro.), and 62.23 (7) (i) (intro.) as affected by the DCF notice and eliminates nonstatutory language that was added in the previous draft which, in light of DCF's notice, is no longer required. This draft does not contain substantive changes.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0241/4dn
FFK:nwn:rs

February 18, 2011

To Cindy:

This draft reconciles LRB-0241/3 and LRB-1465/P3. All of these drafts should continue to appear in the compiled bill.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0241/4
FFK:cjs:rs

DOA:.....Dombrowski, BB0083 - Deregulate one- and two-bed adult family homes

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS regulates various types of long-term care providers, including one- and two-bed adult family homes.

This bill eliminates the requirement that DHS regulate one- and two-bed adult family homes. This bill also eliminates the requirement that DHS certify one- and two-bed adult family homes in order for one- and two-bed adult family homes to provide services to a person who is a recipient of the Family Care Program, a community-based long-term care MA waiver program, or supplemental security income.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 16.009 (1) (em) 6. of the statutes is amended to read:

1 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

2 **SECTION 2.** 20.435 (6) (jm) of the statutes is amended to read:

3 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
4 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a), (am), (b), and (bm),
5 and (5) (a), 49.45 (47), 50.02 (2), 50.025, ~~50.031~~, 50.065 (2) (am) and (b) 1., (3) (a) and
6 (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981,
7 and 146.40 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities
8 plan and rule development activities, for accrediting nursing homes, convalescent
9 homes, and homes for the aged, to conduct capital construction and remodeling plan
10 reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing
11 or certifying, and approving facilities, issuing permits, and providing technical
12 assistance, that are not specified under any other paragraph in this subsection. All
13 moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025,
14 ~~50.031 (6)~~, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93
15 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing
16 or certifying, and approving facilities, issuing permits, and providing technical
17 assistance, that are not specified under any other paragraph in this subsection, and
18 all moneys received under s. 50.135 (2) shall be credited to this appropriation
19 account.

20 **SECTION 3.** 46.281 (3) of the statutes is amended to read:

21 46.281 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county,
22 hospital, nursing home, community-based residential facility, adult family home, as
23 ~~defined in s. 50.01 (1) (a) or (b)~~, and residential care apartment complex the date on
24 which a resource center that serves the area of the county, hospital, nursing home,
25 community-based residential facility, adult family home, or residential care

1 apartment complex is first available to perform functional screenings and financial
2 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
3 the secretary may certify that the resource center is available for specified groups of
4 eligible individuals or for specified facilities in the county.

5 **SECTION 4.** 46.283 (4) (e) of the statutes is amended to read:

6 46.283 (4) (e) Provide information about the services of the resource center,
7 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
8 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
9 self-directed services option to all older persons and adults with a physical or
10 developmental disability who are residents of nursing homes, community-based
11 residential facilities, adult family homes, ~~as defined in s. 50.01 (1) (a) or (b),~~ and
12 residential care apartment complexes in the area of the resource center when the
13 benefit under s. 46.286 first becomes available in the county where the nursing home,
14 community-based residential facility, adult family home, or residential care
15 apartment complex is located.

16 **SECTION 5.** 46.283 (4) (g) of the statutes is amended to read:

17 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
18 screening for any person seeking admission to a nursing home, community-based
19 residential facility, residential care apartment complex, or adult family home, as
20 ~~defined in s. 50.01 (1) (a) or (b),~~ if the secretary has certified that the resource center
21 is available to the person and the facility and the person is determined by the
22 resource center to have a condition that is expected to last at least 90 days that would
23 require care, assistance, or supervision. A resource center may not require a
24 financial and cost-sharing screening for a person seeking admission or about to be
25 admitted on a private pay basis who waives the requirement for a financial and

1 cost-sharing screening under this paragraph, unless the person is expected to
2 become eligible for medical assistance within 6 months. A resource center need not
3 perform a functional screening for a person seeking admission or about to be
4 admitted for whom a functional screening was performed within the previous 6
5 months.

6 **SECTION 6.** 50.01 (1) (c) of the statutes is repealed.

7 **SECTION 7.** 50.031 of the statutes is repealed.

8 **SECTION 8.** 59.69 (15) (intro.) of the statutes is amended to read:

9 **59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS.** (intro.) For purposes
10 of this section, the location of a community living arrangement for adults, as defined
11 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
12 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
13 s. 50.01 (1) ~~(a) or (b)~~, in any municipality, shall be subject to the following criteria:

14 **SECTION 9.** 60.63 (intro.) of the statutes is amended to read:

15 **60.63 Community and other living arrangements.** (intro.) For purposes
16 of s. 60.61, the location of a community living arrangement for adults, as defined in
17 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
18 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
19 s. 50.01 (1) ~~(a) or (b)~~, in any town shall be subject to the following criteria:

20 **SECTION 10.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

21 **62.23 (7) (i) Community and other living arrangements.** (intro.) For purposes
22 of this section, the location of a community living arrangement for adults, as defined
23 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
24 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in
25 s. 50.01 (1) ~~(a) or (b)~~, in any city shall be subject to the following criteria:

1 **SECTION 11.** 563.03 (1) of the statutes is amended to read:
2 563.03 (1) “Adult family home” has the meaning given in s. 50.01 (1) ~~(a) or (b).~~
3 **(END)**